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✓

May 22, 2002

**COPY OF PAPERS
ORIGINALLY FILED**

Re: U.S. Patent Application Serial No. 10/061,961
Title: *Methods for Determining a Nucleotide at a
Specific Location Within a Nucleic Acid Molecule*
Filed: February 1, 2002
Inventors: Douglas R. Smith, Hans-Ulrich Thomann, and Patrick Cahill
Atty Docket No: GEN-009

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notice To File Missing Parts of Nonprovisional Application (two pages, in duplicate);
2. *Executed* Declaration, Petition and Power of Attorney (6 pages);
3. Nineteen (19) Sheets of Formal Drawings (Figures 1-19);
4. Copy of Notice to File Missing Parts of Nonprovisional Application (Formalities Letter);
5. Statement of Limited Recognition Under 37 C.F.R. §10.9(b);
6. Check for \$1289.00 (basic filing fee, extra claims fee and surcharge);
7. Pre-paid acknowledgment postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. *For this purpose, a duplicate of this sheet is enclosed.*

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this transmittal letter and the papers referred to as being enclosed therein are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box Missing Parts, Washington, DC 20231 on:

May 22, 2002
Date

Maria C. Laccotripe
Limited Recognition Under 37 C.F.R. § 10.9(b)

LAHIVE & COCKFIELD, LLP

Attorneys at Law

By:

Maria C. Laccotripe, Ph.D.
Attorney for Applicants
Limited Recognition Under 37 C.F.R. §10.9(b)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re the application of: Douglas R. Smith *et al.*

Serial No.: 10/061,961

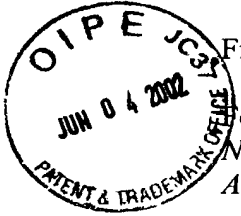
Filed: February 1, 2002

For: *METHODS FOR DETERMINING A
NUCLEOTIDE AT A SPECIFIC LOCATION WITHIN
A NUCLEIC ACID MOLECULE*

Attorney Docket No.: GEN-009

Group Art Unit: 1645

Examiner: Not Yet Assigned

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Washington, D.C. 20231**Certificate of First Class Mailing (37 CFR 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

May 22, 2002

Date of Signature and of Mail Deposit

By: 

Maria C. Laccotripe

Limited Recognition Under 37 C.F.R. § 10.9(b)

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NON-PROVISIONAL APPLICATION**

Dear Sir:

Responsive to the Notice to File Missing Parts of Non-Provisional Application dated March 22, 2002, Applicants' attorney submits herewith the executed Declaration, Petition and Power of Attorney for the above-identified patent application. A check in the amount of **\$1289.00** is enclosed to cover the total amount owed by Applicants, based on small entity status, including the \$65.00 surcharge, \$370.00 basic filing fee, and \$854.00 additional claims fee. Applicants assert a small entity status under 37 CFR §1.9 and §1.27. A copy of the Formalities Letter is also enclosed.

Response to Notice to File Missing Parts
Serial No. 10/061,961
Page 2 of 2

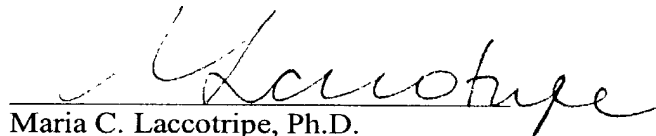
Group Art Unit: 1645

Also enclosed are nineteen (19) sheets of formal drawings (Figures 1-19). Applicants respectfully submit that the formal drawings are in compliance with 37 CFR §1.84 and the changes requested on the Notice to File Missing Parts of Non-Provisional Application. Applicants request that the drawings be filed in the above-referenced patent application. No new matter has been added.

The Commissioner is hereby authorized to charge payment of any fees under 37 C.F.R. 1.16 and 1.17 during the pendency of this application or credit any overpayment to Deposit Account No. 12-0080.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

Respectfully submitted,



Maria C. Laccotripe, Ph.D.
Attorney for Applicants
Limited Recognition Under 37 C.F.R. §10.9(b)

LAHIVE & COCKFIELD, LLP
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Dated: May 22, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/061,961	02/01/2002	Douglas R. Smith	GEN-009

CONFIRMATION NO. 8757

FORMALITIES LETTER



OC000000007702395

000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109



Date Mailed: 03/22/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

06/06/2002 SMINASS1 00000061 10061961

01 FC:201	370.00 JP
02 FC:203	594.00 JP
03 FC:202	10.00 JP
04 FC:204	140.00 GI
05 FC:205	50.00 JP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

COPY OF PAPERS
ORIGINALLY FILED

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1708
 - \$1008 for 56 total claims over 20.
 - \$420 for 5 independent claims over 3.
 - \$280 for multiple dependent claim surcharge.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter
- The balance due by applicant is \$ 2578.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm (3/8 inch);
 - drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));

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*A copy of this notice **MUST** be returned with the reply.*



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PART 2 - COPY TO BE RETURNED WITH RESPONSE